

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated October 28, 2009. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Status of the Claims

As outlined above, claims 72-84 are pending in this application. Following entry of the above amendments, claims 72-110 will stand for consideration, wherein claims 72, 73, 76, 78, 79 and 81-84 have been amended, and claims 85-110 have been added.

Title of the Invention

The title of the invention was objected to for not being indicative of the invention to which the claims are directed. By this Amendment, Applicant has amended the title to be consistent with the pending claims. Applicant respectfully requests that the objection to the title be withdrawn.

Specification

The specification was objected to for including an embedded hyperlink URL which, by this Amendment, Applicant has amended the specification in paragraph [0130] by removing the hyperlink, thereby obviating the objection to the specification.

Claim Objections

Claims 79, 80 and 82-83 have been objected to for including informalities which, by this Amendment, Applicant has amended as suggested, thereby obviating the objection to the claims.

Formal Rejections: 35 U.S.C. § 101

Claims 72-84

Claims 72-84 have been rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter and specifically to a process, but not to a process tied to either a (1)

particular machine or apparatus or (2) transformation of an article. By this Amendment, Applicant has amended claims 72-84 to be specifically directed to a computer implemented method, which is tied to a particular machine, namely, a computer processor. Accordingly, as amended, claims 72-84 are in compliance with the requirements of *In re Bilski* and therefore, are compliant with the statutory subject matter requirements of 35 U.S.C. § 101.

Further, by this Amendment, Applicant has added new claims 85-97 and 98-110, corresponding to the subject matter recited in claims 72-84. Claims 85-97 are directed to a computer-readable medium comprising computer instruction which, when executed by a computer processor, perform a method for measuring a structural change in a protein. Therefore, claims 85-97 are directed to statutory subject matter in compliance with 35 U.S.C. § 101 as being in the form of a Beauregard claim. Claims 98-110 are directed to a method for measuring structural changes in a protein, which include, in part, using magnetic nuclear resonance (MNR) in the measurement. Accordingly, claims 98-110 are in compliance with the requirements of 35 U.S.C. § 101 as being tied to a particular machine, namely a MNR device.

Based on the foregoing, Applicant respectfully requests that the rejection to claims 72-84 under 35 U.S.C. § 101 be withdrawn and that claims 85-110 be found to be in compliance with the statutory requirements under 35 U.S.C. § 101.

Formal Rejections: 35 U.S.C. § 112, Second Paragraph

Claims 72-84

Claims 72-84 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for including various informalities which, by this Amendment, Applicant has corrected by this Amendment, thereby obviating the rejection to the claims under 35 U.S.C. § 112, second paragraph.

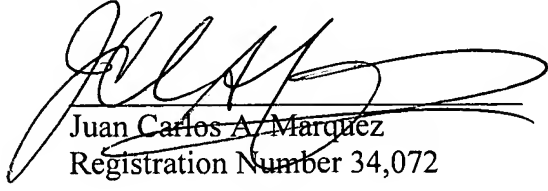
Conclusion

In light of the Amendments and Remarks, Applicant respectfully requests early and favorable action with regard to the present application, and a Notice of Allowance for all pending claims is earnestly solicited.

Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and telephone number indicated below.

Respectfully submitted,

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